

1 purpose. I think the amendment is perfectly proper.

2 For what purpose does Delegate Scanlan rise?

3 DELEGATE SCANLAN: As co-sponsor of the amend-  
4 ment, I offered a case in the Maryland Court of Appeals which  
5 makes it perfectly clear that the right of confrontation  
6 does not necessarily include the right to cross-examination,  
7 Frye versus the Montgomery County Board of Appeals. That  
8 case was not a criminal case. It was a case involving a  
9 quasi-judicial agency. In the proceedings before the Board,  
10 the witnesses for the Applicant, the witnesses in favor of  
11 the Applicants and against the Citizens were there and to  
12 that extent counsel for the Citizens and the Citizens were  
13 confronted with the witnesses against them. However, they  
14 were denied the right of cross-examination and were required  
15 to call the witnesses as their own adverse witnesses when  
16 their case went on. The Court of Appeals struck down this  
17 practice, in a landmark case, and impliedly, I think, in  
18 that case made clear that the right of confrontation does  
19 not always necessarily include the right to cross-examination,  
20 whereas the converse of the proposition is not, or is  
21 different. The right to cross-examination always includes